

**UNPUBLISHED**

UNITED STATES COURT OF APPEALS  
FOR THE FOURTH CIRCUIT

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**No. 03-6820**

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UNITED STATES OF AMERICA,

Plaintiff - Appellee,

versus

CORNELIUS KOLLOCK,

Defendant - Appellant.

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Appeal from the United States District Court for the Middle District of North Carolina, at Durham. Malcolm J. Howard, District Judge. (CR-00-158, CA-02-103)

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Submitted: July 15, 2003

Decided: August 6, 2003

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Before NIEMEYER, MICHAEL, and MOTZ, Circuit Judges.

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Dismissed by unpublished per curiam opinion.

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Cornelius Kollock, Appellant Pro Se. Anna Mills Wagoner, United States Attorney, Greensboro, North Carolina, for Appellee.

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Unpublished opinions are not binding precedent in this circuit.  
See Local Rule 36(c).

PER CURIAM:

Cornelius Kollock seeks to appeal the district court's order and judgment adopting the magistrate judge's report and recommendation and denying relief on his motion filed under 28 U.S.C. § 2255 (2000). An appeal may not be taken to this court from the final order in a proceeding under § 2255 unless a circuit justice or judge issues a certificate of appealability. 28 U.S.C. § 2253(c)(1) (2000). A certificate of appealability will not issue for claims addressed by a district court on the merits absent "a substantial showing of the denial of a constitutional right." 28 U.S.C. § 2253(c)(2) (2000); see Miller-El v. Cockrell, 537 U.S. 322 (2003). We have independently reviewed the record and conclude that Kollock has not satisfied that standard. Accordingly, we deny a certificate of appealability and dismiss the appeal. See 28 U.S.C. § 2253(c) (2000). We dispense with oral argument because the facts and legal contentions are adequately presented in the materials before the court and argument would not aid the decisional process.

DISMISSED